

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE:

B-218052.2

DATE: February 28, 1985**MATTER OF:**

Taiga Resource Consultants

DIGEST:

1. Protest is dismissed as untimely when not filed within 10 working days after protester learned protest basis.
2. Inauguration Day is a working day of the federal government generally and will be counted as a working day in considering whether a protest has been timely filed, unless it is the tenth day of the 10-day filing period.

Taiga Resource Consultants (Taiga) protests the award of a contract No. SCS-AK-1-85 to Arctic Geo Resource Associates (AGRA) by the Department of Agriculture's Soil Conservation Service (SCS). Taiga requests that we investigate the possibility of bias in the making of the award and that we technically evaluate the allegedly deficient low bid.

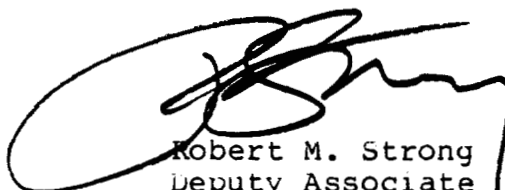
Under our Bid Protest Regulations, protests must be filed within 10 working days after the protester knows or should have known the basis for the protest. 49 Fed. Reg. 49,917, 49,420 (1984) (to be codified at 4 C.F.R. § 21.2 (a)(2)). Taiga was given notice of the award to AGRA on January 11, 1985. To be timely, Taiga's protest had to be filed no more than 10 working days later, January 25. Since we did not receive the protest until January 28 (11 working days later), Taiga's protest is untimely and will not be considered. Tracor Applied Sciences, B-218051 Feb. 8, 1985, 85-1 C.P.D. ¶ ____.

In reaching our conclusion, we have considered the fact that Taiga's protest would be timely if Inauguration Day, January 21, were not counted as a working day of the federal government, since only federal working days are counted in determining timeliness. See 49 Fed. Reg. 49,417, 49,419 (1984) (to be codified at 4 C.F.R. § 21.0(d)). Although

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Inauguration Day is a holiday in the District of Columbia, and federal offices in the city, including our Office, generally are closed, Inauguration Day is not a national holiday and federal offices around the country generally are open. See 51 Comp. Gen. 586 (1972) and 5 U.S.C. § 6103 (1982). For this reason, we held in Mutual of Omaha Insurance Co., B-201710, Jan. 4, 1982, 82-1 C.P.D. ¶ 2, that Inauguration Day technically is a federal working day within the meaning of our regulations. We did consider that protest because Inauguration Day was the tenth day of the timeliness period and the protest could not be filed in our Office that day. Here, however, the final day of the timeliness period was January 25, 4 days after Inauguration Day, and Taiga could have filed its protest through the tenth day. Because it did not do so, its protest is untimely.

The protest is dismissed.



Robert M. Strong
Deputy Associate
General Counsel